

V. REMARKS

These amendments to the Specification were not presented earlier because the scope of the claims that would be allowed was not certain earlier. Prior to the issuance of the Notice of Allowability, all claims stood rejected.

5 The title is amended to be more descriptive of the invention to which the claims as amended are directed, in accordance with 37 C.F.R. §1.72(a) and MPEP 606.

Applicant has learned that PTO Printing Office will refuse to print a patent with a cross-reference to related applications which lists the titles of copending applications but not their serial numbers. To avoid this problem, this amendment adds patent numbers to all references to copending applications.

10 The Background Art and Disclosure of Invention sections of the Specification are amended to bring these sections into harmony with the claims as amended, in accordance with MPEP 1302.01.

Applicant wishes to alert the Examiner to two typographic errors in claims in Amendment, Applicant Document No. 032-52, dated 23 June 2004:

1. In claim 75, deleted text was mistakenly enclosed in brackets (the old method of deleting text), and
15 should have been overwritten with a line striking the text (the new method of deleting text). In the listing of claim 75 herein the bracketed text has been deleted.
2. In claim 121, the claim's status was mistakenly listed as "currently presented" and should have been listed as "currently amended".

20 Claim 230 is amended to replace "(i)" with "(1)" and "(ii)" with "(2)" for consistency with other claims in the application.

Claim 234 is amended to correct a typographic error. The word "and" is appended to element (a).

Claim 270 is amended to correct a typographic error. A space is inserted between the words "regions" and "associated".

25 Claim 282 is amended to correct a typographic error. The word "and" is appended to element (b)(1).

Each of claims 358 and 364 is amended to correct an editing error. In each claim, the word "responsive" is extraneous. Element (a) of each claim currently reads "(a) a receiver for receiving a movement related signal responsive indicating any one of two or more selectable regions...". The word
30 "responsive" is deleted.

Claim 421 is amended to correct a typographic error. The phrase "An method" is replaced with "A method".

Claim 430 is amended to replace the second period with the first period. In the parent claim, claim 428, the selection means is responsive, not to a second period, but to the first period equalling or
5 exceeding a predetermined time period.

Claim 434 is amended to correct a typographic error. The word "circumscribing" is replaced with "circumscribe".

Each of claims 32, 35, 49, 52, 75, 121, 124, 133, 135, 149, 154, 171, 197, 203, 211, 213, 215, 222, 228, 235, 237, 241, 242, 245, 246, 253, 255, 257, 264, 274, 281, 283, 290, 292, 295, 297, 298, 301, 302,
10 304, 309, 311, 314, 318, 320, 326, 332, 341, 348, 350, 353, 355, 356, 359, 360, 363, 368, 386, 387, 390, 398, 403, 412, 413, 415, 425, 426, 429, 446, 458, 471, 472, 493, and 494 is amended to make clear that the enumerated members, e.g. symbols, characteristics, devices, manners, body members, signals, classes, relationships, meaning classes, functions, carriers, application programs, steps, values, voice output devices, or regions, are alternatives which are not mutually exclusive. Each of these amendments is
15 necessary in light of the *SuperGuide Corp. v. DirectTV Enterprises, Inc.*, 358 F.3d 870, 69 U.S.P.Q.2d 1865 (Fed. Cir. 2004). *SuperGuide* construed claim language similar to the language of these claims to require that each enumerated member be present in an infringing device, as opposed to one of the enumerated members. *SuperGuide* is a decision of the Court of Appeals for the Federal Circuit, the court having appellate jurisdiction for patent cases, and is binding precedent on lower courts throughout the
20 United States.

No new matter is added.

To assist the PTO in locating all the amendments made to the Specification during the prosecution of this application, Applicant has listed below those Amendments which amended the Specification.

These are:

- A. Amendment, Applicant Document No. 032-14, dated 24 July 1997;
- 5 B. Supplemental Amendment, Applicant Document No. 032-17, dated 31 October 1997;
- C. Supplemental Amendment, Applicant Document No. 032-20, dated 19 January 1998; and
- D. this Amendment after Notice of Allowance, Applicant Document No. 032-59.

Favorable reconsideration of the Application, as amended, is respectfully requested.

10 Respectfully submitted,



Donald K. Forest

Applicant

15 Date: 7 December 2004

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USPS Express Mail Post Office to Addressee Mailing Label Number ER352765532US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Donald K. Forest

Serial No.: 08/506,032

Filed: 24 July 1995

Title: DATA ENTRY METHOD
AND APPARATUS

Group Art Unit:

2674

Examiner:

Regina Liang

Applicant Document No.

032-60

SUPPLEMENTAL DECLARATION FOR AMENDMENTS PRESENTING CLAIMS
FOR MATTER DISCLOSED BUT NOT ORIGINALLY CLAIMED
AND INCLUDING A CHANGE OF RESIDENCE AND MAILING ADDRESS

Honorable Commissioner of Patents

Alexandria, VA 22313

Sir:

This Supplemental Declaration is filed pursuant to 37 C.F.R. §1.67 and MPEP 603.01.

I, Donald K. Forest, as the sole inventor named in the application for letters patent identified above, hereby declare that the subject matter of each of the amendments listed immediately below was part of my invention and was invented before the filing of the original application, identified above, for such invention.

Applicant Document No.	Dated
032-04	14 February 1996
032-11	19 November 1996
032-14	24 July 1997
032-15	14 October 1997
032-16	22 October 1997
032-17	31 October 1997
032-20	19 January 1998

032-23 28 September 1998
032-26 12 April 1999
032-49 14 October 2003
032-52 23 June 2004
5 032-59 date appearing below

The Inventor has moved to the address shown below. The Inventor has already changed the correspondence address in the above-identified application to the address shown below. Please change the Inventor's residence and mailing address in the above-identified application to the address shown below. The Inventor's residence, mailing address, and correspondence address are identical.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination this application namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



Donald K. Forest

Applicant & Inventor

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Donald K. Forest

Group Art Unit:

2674

Serial No.: 08/506,032

Examiner:

Filed: 24 July 1995

Regina Liang

Title: DATA ENTRY METHOD
AND APPARATUS

Applicant Document No.
032-61

REFERENCES CONSIDERED

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

To date Applicant has not received a document initialed or signed by Examiner Liang establishing that certain references disclosed or cited during the prosecution of this Application have been considered. Pursuant to MPEP 609C(2) and 1302.12, Applicant requests that Examiner Liang send to Applicant an indication that she has considered each disclosed reference. For the Examiner's convenience, Applicant has prepared a listing of each reference disclosed or cited during the prosecution of this Application which Examiner Liang has not, by initialing, indicated that she has considered. Two copies of the listing on Form PTO/SB/42, Applicant Document No. 032-62, are

enclosed herewith. Applicant requests that Examiner Liang initial each reference adjacent to its citation on the enclosed Form PTO/SB/42, sign page one of the Form, mail one copy of the signed Form to Applicant, and file the second copy of the Form in the record of this application.

Respectfully submitted,



Donald K. Forest

Applicant

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	4,109,145	20 May 1974	Graf
	4,149,716	24 January 1977	Scudder
	4,393,271	27 August 1980	Fujinami et. al.
	4,531,119	30 November 1984	Nakayama et. al.
	4,555,193	31 October 1983	Stone
	4,586,035	29 February 1984	Baker et. al.
	4,591,841	1 November 1983	Gunderson et. al.
	4,595,990	31 March 1983	Garwin et. al.
	4,651,145	31 May 1984	Sutter
	4,720,189	7 January 1986	Heynen et. al.
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	5,027,406	6 December 1988	Roberts et. al.
	5,177,328	27 June 1991	Ito et. al.
	5,223,828	19 August 1991	McKiel, Jr.
	5,285,265	21 October 1991	Choi
	5,429,513	10 February 1994	Diaz-Plaza
	5,844,544	13 June 1995	Kahn et. al.

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	0 324 306 A2	19 July 1989	European Patent Application	McDonald et. al.
	DE U 93 00 231	19 August 1993	German Patent	Hessabi
	GB 2,116,341A	21 September 1983	U.K. Patent Application	Bock
	GB 2,173,023 A	1 October 1986	U.K. Patent Application	Larsen
	GB 9,906,822.3	28 April 1999	U.K. Patent Office Combined Search and Examination Report in indicated U.K. Application	Forest
	JP 06-149,534	27 May 1994	Japanese Patent Abstract	Akio
	JP 57-059,241	9 April 1982	Japanese Patent Abstract	Sasaki
	JP 57-073,453	8 May 1982	Japanese Patent Abstract	Sekoe
	PCT/AU85/ 00324	3 July 1986	PCT International Application	Downing

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	WO 94/03887	17 February 1994	PCT International Application	McClish

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Other Documents

Examiner's Initials	Citation
	Barnett, C.J.; Dynche, M.P.; Golding, V.G.; Ng, Y.H.; Taylor, G.D.; "Speech Output Display Terminal," IBM Technical Disclosure Bulletin, vol. 26, no. 10A, March 1984, pages 4950-4951.
	Becker, Joseph D., "User Friendly Design for Japanese Typing," Xerox Office Systems Division Publication No. T8301, Xerox Corp., Palo Alto, CA, August 1983. See pages 14 & 15.
	Bryan, R.E.; Chang, F.C.; Hempel, B.C.; Iida, Y.; "Pre-Selection Highlighting," IBM Technical Disclosure Bulletin, vol. 32, no. 8b, January 1990, New York, NY, XP 000082441, pages 231 & 232.
	Callahan, Jack; Hopkins, Don; Weiser, Mark; Schneiderman, Ben, "An Empirical Comparison of Pie vs. Linear Menus," Computer Science Technical Report Series CS-TR-1919, College Park, MD: University of Maryland, September 1987.
	Callahan, Jack; Hopkins, Don; Weiser, Mark; Shneiderman, Ben; "An Empirical Comparison of Pie vs. Linear Menus," Human Factors in Computing Systems: CHI '88, Conference Proceedings, pages 95-100.
	Darci Too Product Description, WesTest Engineering Corp., Bountiful, UT: WesTest Engineering Corp., 1992.
	"Discrete and continuous control using stable speech sounds", IBM Technical Disclosure Bulletin, vol. 33, no. 10a, March 1991, New York, NY, XP 000110092, page 378.
	DragonDictate, The Premier PC Dictation System, Dragon Systems, Inc., Newton, MA, 1994. See page 4.
	Drawing Gallery, In The Graphics Gallery Release 3.0 User Manual, Hewlett-Packard Co., Boise, ID: Hewlett-Packard Co., 1988.

	Golding, V.G.; Heneghan, M.J.; "Audio Response Terminal," IBM Technical Disclosure Bulletin, vol. 26, no. 10B, March 1984, pages 5633-5636.
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	Jacob, Robert J. K., "What you look at is what you get," Computer, vol. 26, no. 7, July 1993, Los Alamitos, California. Pages 65 & 66.
	Johnson, Frank, "Communications system for speechless quadriplegics", Design Product News, January 1994. See the entire document which consists of one page.
	Lazzaro, Joseph J., "Computers for the Disabled," Byte, June 1993, pages 59-64.
	WiViK2, Visual Keyboard for Windows 3.1 User's Guide, Prentke Romich Co., Wooster, OH: Prentke Romich Co., 1992.
	Yamada, Mitsuho; Fukada, Tadahiko, "Eye word processor (EWP) and peripheral controller for the ALS patient", I.E.E.E. Proceedings A Physical Science, Measurement & Instrumentation, Management & Education, April 1987, Vol 134, No. 4, Part A, Stevenage.

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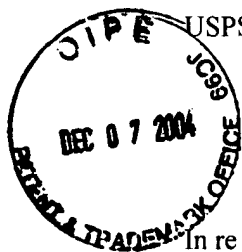
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	Becker, Joseph D., "User Friendly Design for Japanese Typing," Xerox Office Systems Division Publication No. T8301, Xerox Corp., Palo Alto, CA, August 1983. See pages 14 & 15.
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	Callahan, Jack; Hopkins, Don; Weiser, Mark; Shneiderman, Ben; "An Empirical Comparison of Pie vs. Linear Menus," Human Factors in Computing Systems: CHI '88, Conference Proceedings, pages 95-100.
	Darci Too Product Description, WesTest Engineering Corp., Bountiful, UT: WesTest Engineering Corp., 1992.
	"Discrete and continuous control using stable speech sounds", IBM Technical Disclosure Bulletin, vol. 33, no. 10a, March 1991, New York, NY, XP 000110092, page 378.
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	Drawing Gallery, In The Graphics Gallery Release 3.0 User Manual, Hewlett-Packard Co., Boise, ID: Hewlett-Packard Co., 1988.

	Golding, V.G.; Heneghan, M.J.; "Audio Response Terminal," IBM Technical Disclosure Bulletin, vol. 26, no. 10B, March 1984, pages 5633-5636.
	Goosens, Carol; Crain, Sharon Sapp, "Overview of Currently Used Eye-Gaze Communication Approaches," In Augmentative Communication Intervention Resources, 1986.
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	Johnson, Frank, "Communications system for speechless quadriplegics", Design Product News, January 1994. See the entire document which consists of one page.
	Lazzaro, Joseph J., "Computers for the Disabled," Byte, June 1993, pages 59-64.
	WiViK2, Visual Keyboard for Windows 3.1 User's Guide, Prentke Romich Co., Wooster, OH: Prentke Romich Co., 1992.
	Yamada, Mitsuho; Fukada, Tadahiko, "Eye word processor (EWP) and peripheral controller for the ALS patient", I.E.E.E. Proceedings A Physical Science, Measurement & Instrumentation, Management & Education, April 1987, Vol 134, No. 4, Part A, Stevenage.



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Donald K. Forest

Group Art Unit:

2674

Serial No.: 08/506,032

Examiner:

Filed: 24 July 1995

Regina Liang

Title: DATA ENTRY METHOD
AND APPARATUS

Applicant Document No.
032-63

REQUEST TO DEDUCT UNDEDEDUCTED FEES
FROM DEPOSIT ACCOUNT

Honorable Commissioner of Patents
Alexandria, VA 22313

Sir:

On the filing date of this application Applicant authorized the Commissioner to charge any fees due under 37 C.F.R. §1.16 or 1.17 during the pendency of the application to deposit account number 06-1553. (See Petition To Make Special, dated 24 July 1995.) Applicant also authorized the Commissioner, in each filing for which a fee was due, to charge the fee to the deposit account. However, it appears that the Commissioner and his representatives in the Patent and Trademark Office (PTO) have not deducted from the deposit account the fees listed below ("undeducted fees"). In the list below, each undeducted fee is associated with the document filed in this application giving rise to the fee. Each of the citations to the Code of Federal Regulations (C.F.R.) is to the section in effect on the filing date of the associated document. Because the fees change periodically, the fees due under a given section may vary over time. Each of the fees is the small entity amount.

1. Supplemental Information Disclosure Statement, Applicant Document No. 032-12, dated 14 March 1997, \$230 for the submission of an Information Disclosure Statement under 37 C.F.R. §1.17(p).
2. Amendment, Applicant Document No. 032-14, dated 24 July 1997, \$120 for independent claims under 37 C.F.R. §1.16(b) and \$66 for claims under 37 C.F.R. §1.16(c).

3. Supplemental Information Disclosure Statement, Applicant Document No. 032-19, dated 3 December 1997, \$240 for the submission of an Information Disclosure Statement under 37 C.F.R. §1.17(p).
4. Supplemental Information Disclosure Statement, Applicant Document No. 032-20, dated 2 January 1998, \$240 for the submission of an Information Disclosure Statement under 37 C.F.R. §1.17(p).
5. Supplemental Information Disclosure Statement, Applicant Document No. 032-22, dated 12 May 1998, \$240 for the submission of an Information Disclosure Statement under 37 C.F.R. §1.17(p).
6. Notice of Appeal, Applicant Document No. 032-28, dated 12 April 1999, \$150 for the filing of a notice of appeal under 37 C.F.R. §1.17(b) and \$435 for a three month extension for a response under 37 C.F.R. §1.17(a)(3).
7. Supplemental Information Disclosure Statement and Petition for Consideration of an Information Disclosure Statement, Applicant Document No. 032-30, dated 4 June 1999, \$130 for a petition to the Commissioner under 37 C.F.R. §1.17(i).
8. Amendment, Applicant Document No. 032-52, dated 23 June 2004, \$1204 for independent claims under 37 C.F.R. §1.16(b), \$2034 for claims under 37 C.F.R. §1.16(c), and \$475 for a three month extension for a response under 37 C.F.R. §1.17(a)(3).

Please verify that each of the undeducted fees is due and unpaid, and that the amount of the fee listed is correct. Please deduct the correct amount of each unpaid undeducted fee from Deposit Account No. 06-1553. The Commissioner is hereby authorized to charge any fees due under 37 C.F.R. §1.16, §1.17 or §1.20(d) during the pendency of the present application to Deposit Account No. 06-1553.

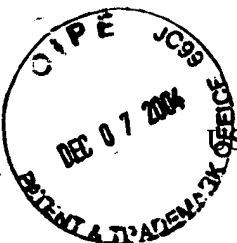
Respectfully submitted,



Donald K. Forest
Applicant

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Donald K. Forest

Group Art Unit:

2674

Serial No.: 08/506,032

Examiner:

Filed: 24 July 1995

Regina Liang

Title: DATA ENTRY METHOD

Applicant Document Number:

AND APPARATUS

032-64

Certificate of Mailing under 37 C.F.R. §1.8

I hereby certify that this Certificate of Mailing and the correspondence listed below are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on 7 December 2004.

1. two copies of a completed one page Issue Fee Transmittal, Form PTOL 85, Applicant Document No. 032-58;
2. a check for \$685 payable to Director, U.S. Patent and Trademark Office;
3. an Amendment after Notice of Allowance, Applicant Document No. 032-59;
4. a two page Supplemental Declaration, Applicant Document No. 032-60;
5. a two page References Considered, Applicant Document No. 032-61;
6. two copies of a seven page Form PTO/SB/42, Applicant Document No. 032-62; and
7. a three page Request to Deduct Undeducted Fees, Applicant Document No. 032-63.

Donald K. Forest
Donald K. Forest

7 December 2004
Date of Signing